

Remarks

1. Summary of the Office Action

In the final office action, the Examiner maintained rejections of claims 1-7, 10-16, and 20-24 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,834,341 (Bahl), claim 5 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bahl in view of Applicant Admitted Prior Art, claims 8, 9, and 17 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bahl in view of U.S. Patent No. 6,339,761 (Cottingham), and claims 18 and 19 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bahl in view of U.S. Patent No. 6,603,758 (Schmuelling).

2. Status of the Claims

Applicant has now cancelled claims 1-12. Applicant has also added new dependent claims 25-30 each depending ultimately from claim 13 (and each paralleling some of the now-cancelled dependent claims). In addition, Applicant has amended claims 13 and 21-24 to recite that the authentication response "includes" the service qualification, since the Examiner asserted in the advisory action that the term "provides" used in the claims did not mean "includes." Applicant respectfully disagrees with the Examiner's interpretation but has made the amendment as a matter of form rather than substance.

Now pending in this application are claims 13-30, of which claims 13, 21, and 23 are independent and the remainder are dependent.

3. Response to § 102 Rejections

In the final office action, although the Examiner rejected independent claims 13, 21, and 23 as being allegedly anticipated by Bahl, the Examiner did not address with specificity the inventions as particularly recited in claim 13, 21, or 23. Rather, the Examiner based the anticipation rejection on the elements of claim 1, which was different and is now cancelled.

Because the Examiner has not specifically addressed the combination of elements recited in any of claims 13, 21, and 23, Applicant respectfully submits that the anticipation rejections of claims 13, 21, and 23 are improper and should be withdrawn. Furthermore, for the following reasons, Applicant respectfully submits that claims 13, 21, and 23 patentably distinguish over Bahl.

Claims 13, 21, and 23 each recite the functions of (1) receiving from a client station a signal / authentication request indicating service provider selected/designated from among a plurality of service providers, (2) sending the authentication request to the selected/designated service provider, (3) receiving from the selected/designated service provider an authentication response that indicates the client station is authenticated by the selected/designated service provider, wherein the authentication response includes a service qualification, wherein the service qualification indicates at least one of (a) one or more types of services authorized for the subscriber and (b) one or more extents of service authorized for the subscriber, and (4) responsive to the authentication response, assigning/restricting the subscriber to operate/communicate in a layer of the access network associated with / set aside for the selected/designated service provider and according to the service qualification. Claim 13 further recites serving the subscriber in that layer of the access network.

In rejecting these claims as being anticipated by Bahl, the Examiner did not assert with specificity that Bahl teaches this combination of elements. For instance, the Examiner did not assert that Bahl teaches the element of receiving from the selected/designated service provider an authentication response that indicates the client station is authenticated by the selected/designated service provider, wherein the authentication response includes a service qualification, wherein the service qualification indicates at least one of (a) one or

more types of services authorized for the subscriber and (b) one or more extents of service authorized for the subscriber, or the element of taking action in response to such an authentication response from the selected/designated service provider.

Bahl does not disclose or suggest such functionality. There is no indication in Bahl that the assignment of a user to a type of service, extent of service, or both is done as part of the authentication process. And there is specifically no indication in Bahl that an authentication response from a subscriber-selected/designated service provider includes a service qualification that indicates types/extents of service authorized by the subscriber as recited in Applicant's claims.

According to Bahl, once the PANS server receives notification of a subscriber's authentication, the PANS server can then, if necessary, receive any additional information about the user it needs. (Bahl, col. 13, lines 24-26). However, Bahl does not teach receiving from the subscriber selected/designated service provider an authentication response that includes both (i) information authenticating a subscriber and (ii) a service qualification for the subscriber as specifically recited in Applicant's claims. At a minimum, Bahl does not teach responsively assigning the subscriber to operate in a particular logical layer of an access network and according to a service qualification received in the authentication response/indication from the subscriber selected/designated service provider, wherein the service qualification comprises at least one of (a) one or more types of services authorized for the subscriber and (b) one or more extents of service authorized for the subscriber.

In the final office action, when responding to Applicant's remarks, the Examiner asserted that Bahl teaches "receiving a first indication that the first subscriber has been authenticated" – in that Bahl teaches the client receiving a key that indicates the client has

been authenticated. However, the "key" in Bahl is not an authentication response from a subscriber-selected service provider as recited in Applicant's claims. It is provided by the access network, which is not a subscriber-selected service provider but is rather the network in which the subscriber happens to be operating at the moment.

Further, the Examiner asserted that Bahl teaches "assigning the first subscriber to operate in a first logical layer of the access network according to a first service qualification received in the first indication, wherein the first service qualification indicates at least one of (i) one or more types of services authorized for the subscriber and (ii) one or more extents of service authorized for the user" – in that Bahl teaches that when the PANS server receives a subscriber's key, the PANS server knows from a policy manager what types of service/levels to apply for the particular client. (*See* Office Action at pages 2-3, citing Bahl at column 10, lines 30-65, and column 13, line 65 – column 14, line 10.) However, the act of the PANS server in Bahl receiving the key *from the user* clearly does not constitute receiving an authentication response from a subscriber selected/designated service provider as recited in Applicant's claims. Thus, that disclosure of Bahl is inapposite.

In the advisory action mailed February 2, 2007, the Examiner declined to enter Applicant's claim amendments on grounds that they would allegedly raise new issues. But at the same time, the Examiner summarily declined to accept Applicant's arguments. The Examiner asserted in substance that Applicant's claims are broad enough to read on the "key" of Bahl, since "key" is what permits user access. (*See* page 2 of the advisory action.) Applicant requests the Examiner to more closely consider Applicant's arguments. The fact that the "key" in Bahl functions to provide a user with access does not overcome the points that Applicant set forth in detail above.

Because Bahl fails to disclose all of the features recited in any of Applicant's independent claims 13, 21, and 23, Bahl fails to anticipate any of the independent claims. Consequently, Applicant submits that the independent claims are allowable. Furthermore, Applicant submits that each of the dependent claims is allowable for at least the reason that it depends from an allowable claim. Applicant therefore submits that the rejections of all of the pending claims should be withdrawn, and the case should be passed to issuance.

4. Response to § 103 Rejections

As noted above, the Examiner rejected the remainder of Applicant's claims (17-19) on grounds of obviousness over Bahl in combination with Cottingham or Schmuelling. Under M.P.E.P. § 2143, a *prima facie* case of obviousness over a combination of references can be established only if cited references disclose or suggest all of the claim limitations. Applicant respectfully traverses the obviousness rejections of claims 17-19 because the Examiner has not established that the art of record discloses or suggests all of the limitations of any of these claims.

Each of claims 17-19 depends ultimately from one of the claims discussed above in relation to the anticipation rejections. Consequently, for at least the same reason that the above-discussed claims patentably distinguish over the Bahl reference, dependent claims 17-19 patentably distinguish over Bahl. Still further, the Examiner has not asserted that the Cottingham or Schmuelling make up for the above-discussed deficiency of Bahl. Therefore, the Examiner has not made out a *prima facie* case of obviousness of these claims.

Applicant does not concede the representations made more specifically by the Examiner with respect to the dependent claims. However, Applicants submit that those

other points are moot in view of the fact that a *prima facie* case of obviousness does not exist.

5. Conclusion

In view of the foregoing, Applicant submits that all of the pending claims are allowable. Therefore, Applicant respectfully requests favorable action.

Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-2141.

Respectfully submitted,

**McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP**

Dated: February 14, 2007

By: Lawrence H. Aaronson/

Lawrence H. Aaronson

Reg. No. 35,818